

By: Gonzalez Toureilles

H.B. No. 195

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the transfer of certain abandoned or forfeited property  
3 to county or municipal agencies.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 59.06(b), Code of Criminal Procedure, is  
6 amended to read as follows:

7 (b) If a local agreement exists between the attorney  
8 representing the state and law enforcement agencies, the attorney  
9 representing the state may transfer the property to law enforcement  
10 agencies to maintain, repair, use, and operate the property for  
11 official purposes if the property is free of any interest of an  
12 interest holder. The agency receiving the forfeited property may  
13 purchase the interest of an interest holder so that the property can  
14 be released for use by the agency. The agency receiving the  
15 forfeited property may maintain, repair, use, and operate the  
16 property with money appropriated for current operations. If the  
17 property is a motor vehicle subject to registration under the motor  
18 vehicle registration laws of this state, the agency receiving the  
19 forfeited vehicle is considered to be the purchaser and the  
20 certificate of title shall issue to the agency. A law enforcement  
21 [The] agency to which property is transferred under this subsection  
22 at any time may transfer or loan the property to any other [a]  
23 municipal or county [law enforcement] agency for the use of that  
24 agency. A municipal or county agency to which a law enforcement

1 agency loans a motor vehicle under this subsection:

2 (1) shall maintain the vehicle and pay for all costs  
3 associated with the use and repair of the vehicle; and

4 (2) is liable to the loaning agency for any damages to  
5 the vehicle or reduction in the value of the vehicle attributable to  
6 the receiving agency's using the vehicle.

7 SECTION 2. Sections 683.016(a) and (b), Transportation  
8 Code, are amended to read as follows:

9 (a) The law enforcement agency that takes an abandoned motor  
10 vehicle into custody that is not claimed under Section 683.012 may:

11 (1) use the vehicle for agency purposes; or

12 (2) transfer the vehicle to any municipal or county  
13 agency for the use of that agency.

14 (b) The law enforcement agency shall auction the vehicle as  
15 provided by this subchapter if the law enforcement agency or the  
16 municipal or county agency to which the vehicle was transferred  
17 under Subsection (a) discontinues use of the vehicle.

18 SECTION 3. Article 59.06(b), Code of Criminal Procedure,  
19 and Section 683.016, Transportation Code, as amended by this Act,  
20 apply to personal property seized or taken into custody on or after  
21 the effective date of this Act. Personal property seized or taken  
22 into custody before the effective date of this Act is governed by  
23 the law in effect on the date the property is seized or taken into  
24 custody, and the former law is continued in effect for that purpose.

25 SECTION 4. This Act takes effect September 1, 2007.